IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 15708 of 2007(T)

PETITIONER:

T.K.KRISHNANKUTTY, SUPERINTENDENT
OF GURUVAYOOR MUNICIPALITY, GURUVAYOOR.

BY ADV. SRI.P.P.JACOB
SRI.B.MANIMOHAN

RESPONDENTS:

THE DIRECTOR OF MUNICIPAL ADMINISTRATION
TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.15708 OF 2007-T

Judgment

The petitioner is presently working as a Superintendent in the Guruvayur Municipality. He was posted there on 16.12.2005. On the very next day, he submitted Ext.P1 representation, seeking transfer to Kochi, which was followed by Ext.P2, in the prescribed format. Thereafter, again he filed a detailed representation Ext.P3. But, when Ext.P4 transfer order was issued, the petitioner was not given the transfer requested for by him in Exts.P2 and P3. Hence this Writ Petition, seeking a writ of mandamus to consider Exts.P2 and P3 and to transfer him to Kochi Corporation in a vacancy that may arise soon.

2. When Exts.P2 and P3 were pending, Ext.P4 order was passed. So, there is deemed rejection of Exts.P2 and P3. Ext.P3 is a representation filed by him, after the draft proposal for transfer was published. Ext.P4 would show that pursuant to the publication of the draft proposal, 41 complaints were received and they were examined also. Thereafter only, Ext.P4 was issued. Though there is no specific mention about the petitioner's representation, it should be presumed that it has been looked into while passing Ext.P4. The petitioner has got no legal right to claim that he should be posted at Kochi and the respondent does not have any corresponding duty also in this regard. Therefore, the prayer in this Writ Petition cannot be granted and the Writ Petition is accordingly dismissed. If, as

per Ext.P5 norms, the petitioner has got a right of representation against Ext.P4, the dismissal of this Writ Petition will not affect his right to make the representation.

24.05.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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